



May 12, 2014

Objection Reviewing Officer  
USDA Forest Service, Northern Region  
P.O. Box 7669  
Missoula, MT 59807

Dear Objection Reviewing Officer:

This letter serves as The Wilderness Society's ("TWS") objection to the Helena National Forest Lincoln Ranger District's Blackfoot Travel Plan Final Environmental Impact Statement ("EIS") and accompanying Draft Record of Decision ("ROD") pursuant to 36 C.F.R. § 218. This objection directly relates to the comments submitted by TWS on March 11, 2013 relating to the Draft EIS for the Blackfoot travel plan, as well as scoping comments submitted on January 7, 2011.

TWS is a national non-profit conservation organization, having more than 200,000 members nationwide, including over 2,230 in Montana. Through its field office in Bozeman, TWS has long-standing involvement in the management of the Helena National Forest in order to protect its outstandingly remarkable wilderness, scenic, fisheries, and other values.

As required by 36 C.F.R. § 218.8(d), objectors provide the following information:

1. The name, address, and telephone number of the objector is listed below.
2. In addition to the electronic signatures below, verification of authorship is available upon request.
3. The lead objector is The Wilderness Society.
4. The proposed project being objected to is the Blackfoot Travel Plan EIS and accompanying Draft ROD for the Lincoln Ranger District of the Helena National Forest. The responsible official is William Avey, the Forest Supervisor for the Helena National Forest.
5. A description of the aspect of the proposed project being objected to is included below.
6. All issues addressed in this objection relate to comments made during the designated comment period for this project, submitted to the Lincoln Ranger District by objectors on March 11, 2013. Further, objectors submitted scoping comments to the Lincoln Ranger District on January 7, 2011. Additional information may be found below.

We are greatly appreciative of the efforts by the Lincoln Ranger District related to the development of this draft travel plan. We are objecting to three designations in the draft decision:

- The designation of Trail #440, from Lewis and Clark Pass north to the Scapegoat Wilderness, for mountain bike use, and
- The designation of Trails #493 and #490 for mountain bike use.

In Alternative 3, Trails #493, #490, #440 from Lewis and Clark Pass north to the Scapegoat Wilderness were designated for foot and stock only. We understand that it was an error that this

recommendation was not carried forward in the Draft Record of Decision. We respectfully request that these trail sections be designated as foot and stock only in the Final Record of Decision. Following is our rationale for why these sections of trail should be designated and managed for foot and stock only.

The National Environmental Policy Act (“NEPA”) requires that the Forest Service take a hard look at the impacts from designating Trails #440, #490, and #493 for mountain bikes, which the Final EIS has not done. We are concerned that the Forest Service will be in violation of the Lewis and Clark Land and Resource Management Plan and thus, the National Forest Management Act, if the agency chooses Alternative 4, in its current form, as the final decision. We are also concerned that the Forest Service will be in violation of its Region 1 Guidance for managing recommended wilderness areas if the agency chooses Alternative 4 as the final decision.

## **I. The Forest Service has not Taken a Hard Look at Direct, Indirect, and Cumulative Impacts.**

The Forest Service is required to analyze the direct, indirect, and cumulative impacts of its action. The indirect impacts of designating Trails #440, #493, and #490 for mountain bike use are particularly pertinent. Indirect impacts are effects caused by the alternatives that occur later in time or farther in distance than the action. 40 C.F.R. § 1508.8.

### **a. Impacts to the Falls Creek Recommended Wilderness Area from Designating Trail #440 for Mountain Bike Use**

A section of Trail #440 from Lewis and Clark Pass to the Scapegoat Wilderness straddles the boundary between the Helena National Forest to the south and the Lewis and Clark National Forest to the north. This section of Trail #440 is therefore equally germane to both National Forests. This same portion of Trail #440 serves as the boundary for the Falls Creek Recommended Wilderness Area (“RWA”) on the Lewis and Clark side. In fact, based on GIS data provided by Forest Service staff at the Helena National Forest, Trail #440 crosses into the Falls Creek RWA in two places. See Figure 1.

Recommended Wilderness Areas are known as Management Area Q in the Lewis and Clark Land and Resource Management Plan (“LRMP”). The management goal for Management Area Q is as follows:

*Manage these areas to protect their wilderness values.*

Lewis and Clark National Forest LMRP at 3-85. Cordell’s “The Multiple Values of Wilderness” offers a framework for understanding the values of wilderness.<sup>1</sup> The framework is divided into four categories: social, economic, ecologic, and ethical. Forest Service Wilderness Management directives offer a small list of specific wilderness values, which fall neatly within Cordell’s four large categories: opportunities for scientific study, education, solitude, physical and mental challenge and stimulation, inspiration, and primitive recreation experiences. Forest Service Manual 2320.3 – Wilderness Management.

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<sup>1</sup> Cordell, H. K., Bergstrom, J. C. & Bowker, J. M. (2005). *The Multiple Values of Wilderness*. State College, PA: Venture Publishing, Inc.

As shown in Figure 1, designating this portion of Trail #440 for mountain bike use in the final decision will allow mechanized use in the Falls Creek RWA. Mechanized use would degrade the area's wilderness values, particularly solitude and the ability to experience primitive recreation.

Designating this portion of Trail #440 for mountain bike use could also result in enforcement violations in the Falls Creek RWA. This scenario is very likely given that Trail #266, which is designated for foot and stock only in the Lewis and Clark National Forest Rocky Mountain Ranger District Travel Plan, intersects with this portion of Trail #440 and runs north into the Falls Creek RWA. See Figure 1 and Attachment A. Mountain bikers traveling on Trail #440 may come to the intersection with Trail #266 and decide to ride it. A similar situation involving snowmobiles is playing out on the north side of the Lewis and Clark National Forest. In this situation, snowmobilers are illegally entering the Badger Two Medicine Wilderness Study Area ("WSA"), which is closed to motorized use, as a result of trails that are open to over-snow vehicle use on the adjacent Flathead National Forest. A recent article about this very issue ran in the Hungry Horse News on April 30, 2014. This article is included as Attachment B.

It is reasonably foreseeable that designating this portion of Trail #440 for mountain bike use could lead to illegal incursions on Trail #266, which is designated for foot and stock only and leads into the Falls Creek RWA. An obvious indirect impact from designating Trail #440 for mountain bike use, therefore, is the degradation of wilderness value of the Falls Creek RWA.

In the Final EIS, the Forest Service did not disclose the impacts to the Falls Creek RWA that may occur as a result of designating this portion of Trail #440 for mountain bike use. Neither the Final EIS's impacts analysis on Roadless areas, starting on page 220, nor the impacts analysis on Undeveloped / Unroaded Character / Potential Wilderness, starting on page 503, mentions the Falls Creek RWA. The "Blackfoot Travel Plan, Helena National Forest, Inventoried Roadless and Unroaded Lands, Background Report" for the EIS does mention the Falls Creek area, but the Report does not include an analysis of impacts from designating Trail #440 for mountain bike use. Even though the Falls Creek RWA is located on the Lewis and Clark National Forest, the Helena National Forest must analyze the impacts to this area in the Final EIS. The Council on Environmental Quality's NEPA regulations define indirect impacts as effects that "are caused by the action and are later in time or *farther removed in distance, but are still reasonably foreseeable*." 40 C.F.R. § 1508.8, *emphasis added*. The U.S. Environmental Protection Agency offers guidance to agencies when determining the spatial and temporal boundaries for the impact analysis.

*Agencies tend to limit the scope of their analyses to those areas over which they have direct authority or to the boundary of the relevant management area or project area. This is often inadequate because it may not cover the extent of the effects to the area or resources of concern.*

Consideration of Cumulative Impacts in EPA Review of NEPA Documents. U.S. Environmental Protection Agency, Office of Federal Activities (2252A) EPA 315-R-99-002/May 1999.

The Forest Service is required to take a hard look at the impacts from its action, which includes the disclosure of indirect impacts. We are concerned that the Final EIS does not include this requisite hard look, and we request that if this portion of Trail #440 is to be made open to bikes then the Forest Service first analyze these impacts on the Falls Creek RWA before issuing its final decision.

**b. Impacts to the Scapegoat Wilderness Area from Designating Trails #440, #490, and #493 for Mountain Bike Use**

The Final EIS notes that Trails #440, #490, and #493 serve as a portal to access the Scapegoat Wilderness. FEIS at 212. All of the trails are proposed for foot and stock only in Alternative 3. In its analysis of Alternative 3, the Final EIS notes that “closing the portal trails to mountain bikers would reduce conflict among non-motorized user groups and minimize wilderness trespass from wheeled non-motorized recreationists.” FEIS at 212. One can therefore presume that designating these trails for mountain bike use will result in user-conflict and illegal trespass from mountain bikers into the Scapegoat Wilderness. Alternatives 1, 2, and 4 propose to designate these trails for mountain bike use, yet, the Final EIS does not include an analysis of the impacts from these designations.

Further, it is important to point out that closing these portal trails to mountain bikes would likely have a negligible impact on these users because they would still “have ample alternative non-motorized routes available.” FEIS at 214 and 217.

In order to ensure that the analysis in the Final EIS is sufficient, we request that the Forest Service take a hard look at the impacts (including indirect impacts on the Scapegoat Wilderness) of designating trails #440, #490, and #493 for mountain bike use.

**II. The Draft Travel Management Plan Contradicts the Lewis and Clark Land and Resource Management Plan and is therefore not Compliant with the National Forest Management Act**

Mountain biking use on Trail #440 within the Falls Creek RWA conflicts with the area’s wilderness values. The Lewis and Clark LRMP provides the following direction relating to recommended wilderness areas:

*Manage these areas to protect their wilderness values.*

Lewis and Clark LRMP at 3-85. This provision has an indisputable purpose: protect the Falls Creek RWA’s mutually-reinforcing roadless, natural, and primitive recreation values. Allowing mountain bike use of trails in the RWA would unacceptably institutionalize an inappropriate use of these wildlands and degrade the Area’s wilderness values. The Forest Service should be affirmatively promoting and safeguarding wilderness values. As illustrated in Section I of this appeal, above, serious management and enforcement problems could result from designating this portion of Trail #440 for mechanized use. Given the Forest Service’s limited resources, and the extensive opportunities for mechanized recreation elsewhere along Trail #440, there is no valid reason why mountain biking should be allowed along this portion of the trail. There are simply too few remaining places like the Falls Creek RWA, which provides opportunities for primitive, unconfined recreation and ecological values.

By designating this portion of Trail #440 for mountain bike use, the Forest Service is not compliant with the direction contained in the Lewis and Clark LRMP. We are concerned because this means the draft travel management plan violates, likely unintentionally, the National Forest Management Act.

### **III. Proposed Management of Trail #440 is Not in Compliance with the Region 1 Guidance for Managing Recommended Wilderness Areas**

Trail #440 straddles the boundary between the Helena National Forest to the south and the Lewis and Clark National Forest to the north as it approaches the Scapegoat Wilderness. Upon close examination, Trail #440 crosses into the Falls Creek RWA on the Lewis and Clark National Forest side of the Continental Divide. See Figure 1. Region 1 of the U.S. Forest Service issued Guidance on how RWAs are to be managed. The Region 1 Guidance states:

*If it is determined that the area is best suited to wilderness designation, the desired condition is to protect wilderness character by...allowing only non-motorized, non-mechanized recreation year around.*

USFS Region 1 Regional Consistency for Management of Recommended Wilderness and Wilderness Study Areas. The Forest Service will be in violation of its own Guidance should it designate this portion of Trail #440 for mountain bike use.

### **IV. The Forest Service Should Adopt the Recommendations Reached in the Montana High Divide Trails Agreement**

TWS is not a party to the Montana High Divide Trails Alliance, but we support the agreement reached by these organizations as it applies to Trail #440. The Montana High Divide Trails Agreement was signed and endorsed by nine local organizations including bike clubs and backcountry horsemen. The agreement reached by these organizations was that Rogers Pass (where Highway 200 crosses the Continental Divide) is the right place to transition the management of the Continental Divide National Scenic Trail. North of Rogers Pass to the Scapegoat Wilderness, the CDNST should be managed for foot and stock only. South of Rogers Pass, the CDNST should be managed for foot, stock, and bicycle use. For the purposes of this objection, it is important to point out that we are scaling back our requested relief from the agreement that was reached by the Montana High Divide Trails Alliance. We are asking the Forest Service to manage Trail #440 for foot and stock west of the Lewis and Clark Pass.

### **V. Requested Relief**

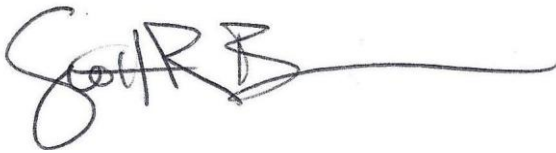
To rectify the above described objections and legal violations, TWS requests that the Forest Service designate Trails #490, #493, and the portion of Trail #440 from Lewis and Clark Pass to the Scapegoat Wilderness for foot and stock travel only. Alternative 3 in the Draft and Final EISs proposed to designate these trails for foot and stock travel. Making this change in the Final ROD would, therefore, not require additional NEPA analysis. The Forest Service could simply choose this aspect from Alternative 3 in the final decision.

Lastly, since designating Trails #490 and #493 and the portion of Trail #440 from Lewis and Clark Pass to the Scapegoat Wilderness for mountain bike use in Alternative 4 was likely made in error, the Forest Service could issue an errata to the Final EIS to make this correction. The Inyo National Forest Final EIS for travel planning included a few mistakes regarding route designations. To rectify these inaccuracies, the Inyo issued an errata to their Final EIS. Their errata is available online here [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5408445.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5408445.pdf). The Helena could take a similar approach.

## **VI. Conclusion**

Thank you very much for your careful review and consideration of this objection. We hope that you take this to heart as you prepare the Blackfoot Travel Plan Final ROD. Should you have any questions pertaining to this objection, or how we can move forward in a collaborative, productive manner, please feel free to contact me.

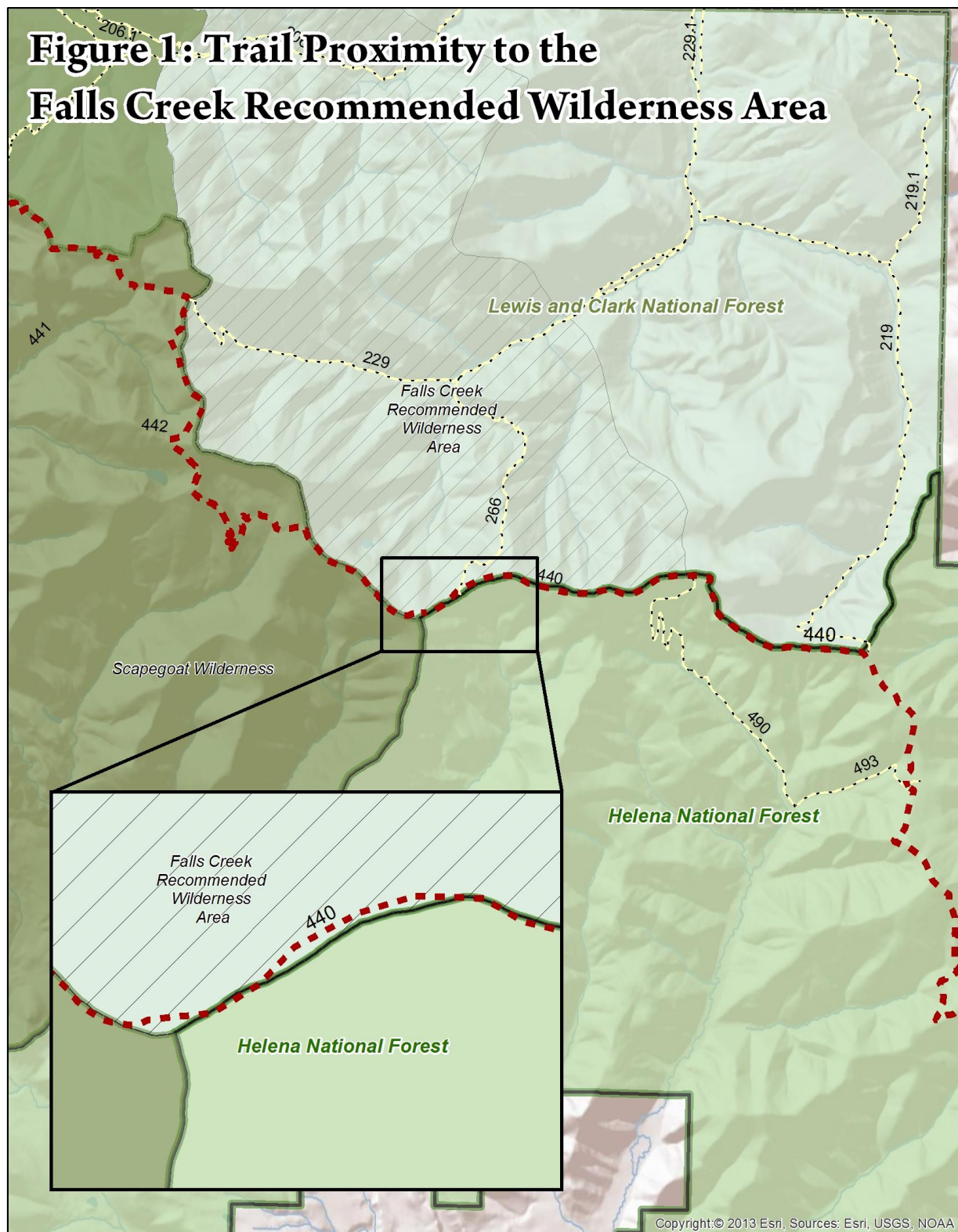
Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Brennan', followed by a long horizontal line extending to the right.

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The Wilderness Society  
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**Figure 1: Trail Proximity to the Falls Creek Recommended Wilderness Area**





## **Attachment B**

### **Snowmobile tracks found in Badger-Two Medicine**

**By CHRIS PETERSON Hungry Horse News | Posted: Wednesday, April 30, 2014 9:01 am**

Montana Fish, Wildlife and Parks biologist Mike Madel is worried that illegal snowmobiling in the Badger-Two Medicine region could displace denning grizzly bears.

Madel presented his findings and aerial photographs of the illegal snowmobiling to bear managers at the Northern Continental Divide Ecosystem subcommittee meeting last week in Hungry Horse.

The Lewis and Clark National Forest banned most motorized use in the 130,000-acre Badger-Two Medicine area south of Glacier National Park in 2009.

But snowmobilers are using groomed trails in the Flathead National Forest's Skyland Road area to access the closed areas. It's not difficult for modern snowmachines to cross the divide there.

Madel said the worst trespass is in the Pool Creek area and the headwaters of the North Fork of Badger Creek.

He said he hasn't seen any grizzly bear displacement yet, but based on snowmobile tracks he's seen, the illegal snowmobilers are coming very close to known denning areas. And it's not just a few sleds.

"We're seeing hundreds of snowmobile tracks," he said.

Madel's been monitoring the snowmobile activity while flying for bear activity each spring over the past couple of years.

The Flathead Forest allows snowmobiling in the Skyland Road area until May 14 — long after denning bears have emerged.

That's the problem, charged Keith Hammer, chairman of the Swan View Coalition. He said the Forest Service is allowing trails to be groomed well into the spring.

Snowmobile usage on the Flathead Forest came as a compromise when Amendment 24 was adopted several years ago.

"This amendment runs against the grain of how it used to be," Hammer said.

Rocky Mountain District Ranger Mike Munoz said his staff patrolled the Badger-Two Medicine area more intensely when the motorized ban first went into effect, but he admitted enforcement is not as intense now.

"We just haven't had the ability to stay up there," he said.

Madel said motorized use near dens could cause the bears to abandon their dens. He noted the area is prime grizzly bear habitat and home to several denning females. He said the grizzly bear density in the area is twice what it is at the southern end of the Rocky Mountain Front.